

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**RUSSELL ROGERS**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO: 3:19-CV-142-GHD-JMV  
JURY DEMAND**

**THE TALLAHATCHIE GOURMET, L.L.C., AND  
TORREY MITCHELL**

**DEFENDANTS**

**COMPLAINT**

COMES NOW the Plaintiff, Russell Rogers, by and through counsel, and exhibits this Complaint against Defendants, The Tallahatchie Gourmet, L.L.C. ("Tallahatchie Gourmet") and Torrey Mitchell, and would show unto the Court the following:

1. Plaintiff Russell Rogers is an adult resident citizen of Shelby County, Collierville, Tennessee.
2. Defendant Tallahatchie Gourmet is a registered Mississippi limited liability corporation, and can be served with process by service upon its registered agent, Angele Mueller, at 119 West Main Street, New Albany, Mississippi 38652.
3. Defendant Torrey Mitchell is an adult resident citizen of Union County, New Albany, Mississippi, and based upon information and belief, may be served with process at 505 Pinecrest Cove, New Albany, Mississippi 38652
4. This Court has subject matter jurisdiction in this case, as the parties are diverse citizens and the amount in controversy exceeds the statutory requirement. Venue is proper in this Court as the events giving rise to this Complaint occurred and accrued in the Northern District of Mississippi, Oxford Division.

**STATEMENT OF FACTS**

5. Defendant Tallahatchie Gourmet, L.L.C. owns and operates a restaurant in New Albany, Mississippi.

6. On the night of February 9, 2019, Plaintiff was present on Defendant Tallahatchie Gourmet's premises as a patron and/or business invitee.

7. On the night of February 9, 2019, Defendant Torrey Mitchell was employed by Tallahatchie Gourmet, and was working as the on-duty manager, bartender, and or operator of Tallahatchie Gourmet's New Albany restaurant.

8. At all times pertinent to the night in question, Defendant Torrey Mitchell was consuming intoxicating liquors and/or beer, despite serving as the on-duty manager and bartender for Tallahatchie Gourmet.

9. While on the premises, Plaintiff was stabbed in the neck by Lane Mitchell, the son of Defendant Torrey Mitchell, with a knife negligently furnished to Lane Mitchell by Torrey Mitchell.

**CAUSES OF ACTION**

10. Defendants owed a duty to Plaintiff, an invitee, to exercise reasonable care to protect Plaintiff from reasonably foreseeable injury caused by other patrons, and to maintain order on the premises.

11. Defendant Mitchell, employed by Defendant Tallahatchie Gourmet the night in question as the manager, bartender, and/or operator of its New Albany restaurant, owed Plaintiff a duty to maintain the premises in a reasonably secure and safe condition. Due to Defendant Mitchell's negligent acts, which include but are not limited to drinking intoxicating liquor and/or beer on the job and negligently furnishing a weapon to another patron who utilized such weapon to hurt the

Plaintiff, Defendant Mitchell failed to keep the premises reasonably safe for all patrons and failed to take reasonably necessary steps to ensure the Plaintiff's safety from the risk of assault by another patron during the course of a confrontation which Defendant Torrey Mitchell himself negligently instigated while acting in the course of his employment and in furtherance of his duties.

12. On the night of February 9, 2019, Defendant Mitchell, due in part to his telling fellow employees and patrons he was going to "mash" Russell Rogers, irresponsibly caused and created a hostile environment in the restaurant. He neglected his duty to control Lane Mitchell, negligently failed to defuse the hostile environment which he created while acting in the course and scope of his employment, and abandoned his duty to take reasonable precautions to protect patrons from risk of bodily harm.

13. Defendant Tallahatchie Gourmet is vicariously liable for the negligence of its employee, Torrey Mitchell. At all times complained of herein, Defendant Mitchell was an employee and/or servant of Defendant Tallahatchie Gourmet, was specifically serving as manager or operator of the premises on the night in question, and was negligently acting within the scope and course of his employment at all times leading up to the moment Plaintiff was stabbed.

14. Defendant Tallahatchie Gourmet was also negligent in failing to adequately train its employee, Torrey Mitchell, to take reasonable precautions to (1) control and maintain its premises in a reasonably secure and safe condition, (2) avoid the creation of a hostile environment, and (3) defuse any altercations on the premises before such could escalate into violence.

15. As a result of Defendant Tallahatchie Gourmet's failure to adequately train its employee to take reasonable precautions to maintain the safety of its premises and to control and defuse altercations on its premises, the Plaintiff suffered severe injuries.

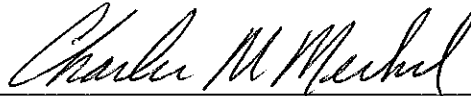
16. As a direct and proximate result of the foregoing negligent actions of Defendant Torrey Mitchell and Defendant Tallahatchie Gourmet, Plaintiff sustained severe injuries and as a result has incurred and suffered damages including but not limited to medical expenses, pain and discomfort, mental and emotional distress and loss of enjoyment of life, and will reasonably be expected to continue to suffer from such injuries in the future.

WHEREFORE the Plaintiff, Russell Rogers, seeks damages of, from, and against the Defendants, Tallahatchie Gourmet and Torrey Mitchel, in an amount exceeding the minimal jurisdictional limits of this Court, pre and post-judgment interest and costs as incurred herein, punitive damages, all other damages allowed by law, and such other relief to which the Plaintiff may be entitled.

The Plaintiff respectfully demands a trial by jury on all issues so triable.

Respectfully submitted, this the 26 day of June, 2019.

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